IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

Upendra Singh **Versus** Vinod Kumar

S.B. Civil Revision Petition No.148/2006

DATE OF ORDER : 12/09/2006

Hon'ble Shri Justice Ajay Rastogi

Shri S.R. Surana, for petitioner

BY THE COURT:

Instant revision petition has been filed against the order dated 4th August, 2006 whereby the application filed by the defendant under O.7 R.11 CPC was rejected by the learned trial Judge.

The plaintiff-respondent filed a suit way back in 2001 and the written statement has been filed by the petitioner and issue No.4 has been framed as to whether the plaintiff is entitled to recover the arrears of rent in a sum of Rs.81,600/- from the defendant-petitioner. After framing of issues, application was filed by the defendant under O.7 R.11 CPC raising pecuniary objections in the suit.

Learned trial Judge dismissed the application on the premise that in view of issue being framed, the matter will be considered only after its adjudication.

Counsel for petitioner submits that in view of recovery being demanded of Rs.81,600/-, the learned Additional Civil Judge has no pecuniary jurisdiction to entertain and adjudicate the same. In my opinion, the submission made by the counsel, is without any substance for the reason that issue has been framed in this regard

and how much the plaintiff is entitled for will be decided only after its adjudication and apart from it, the suit is pending since 2001. I do not find any error committed by the learned trial Judge in passing the order impugned.

Consequently, the revision petition fails and is hereby dismissed.

[Ajay Rastogi],J.

FRBOHRA,JR.P.A.